

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

**ASHLEY A. BANKS, C.H.H.A.**  
Certificate No. 26NH13652800

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION  
FINAL ORDER OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ashley A. Banks ("Respondent") is the holder of certificate number 26NH13652800 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on February 20, 2013 by the Jackson Township Police Department for violation of N.J.S.A. 2C:35-10A, Possession of Controlled Dangerous Substance, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Jackson, New Jersey, via regular and certified mail on or about February 22,

2013. A response was due within twenty (20) days. The regular mailing was not returned; the certified mail receipt was signed for by a third party and returned to the Board.

3. To date, Respondent has not provided a response to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice as a certified homemaker-home health aide in the State of New Jersey was entered on May 15, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned; the certified mail receipt was signed for by a third party and returned to the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a

written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, Respondent provided the Board with a written response on or about July 11, 2013. The response asked the Board not to take her certification away because she is a single mother of two children. Respondent also claims that she did not receive her certificate and is currently unemployed, but would like to return to the nursing field in order to be more stable. Respondent failed to explain the circumstances of the arrest and did not provide any documentation that was requested by the Board.

To date, Respondent has not submitted any additional information. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law, no further proceedings are necessary and the Provisional Order is made final.

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of August, 2014,


ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of this Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

 Patricia Murphy, PhD, APN  
President